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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/549,253

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Michael Anthony Pugel

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EXAMINER

HANCE, ROBERT J

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/549,253	Applicant(s) PUGEL ET AL.	
	Examiner ROBERT HANCE	Art Unit 2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 20-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 20-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief filed on 04/28/2009, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/John W. Miller/

Supervisory Patent Examiner, Art Unit 2421

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 8, 10-13, 16, 20-24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas, US Patent No. 5,920,801 in view of Bucher, US Patent No. 6,678,737.

As to claim 1 Thomas discloses a server apparatus, comprising:

receiving means for receiving broadcast signals (col. 6 lines 37-56);

first processing means for generating first analog signals responsive to said received signals (Fig. 1: 26, 39 and 7; col. 5 lines 42- 45 – digital signals are modulated onto transmission cable 3 in radio (i.e. analog) form);

second processing means (Fig. 1: 37, 39 and 7) for generating second analog signals responsive to said received signals, wherein said first analog signals are provided to a first client device via a transmission medium connecting said server apparatus and said first client device in response to a first request signal requesting a first desired processed analog signal by identifying a first program and further wherein said second analog signals are provided to a second client device via said transmission medium connecting said server apparatus and said second client device in response to a second request signal requesting a second desired processed analog signal by identifying a second program (col. 6 line 63 – col. 7 line 15 – different program are transmitted to different client devices, where the tuning operation of gateway circuits 29 is performed on request (program selection) from the client devices); and

control means for detecting available frequency bands on said transmission medium, wherein said available frequency bands are used to provide said first analog signals to said first client device and to provide said second analog signals to said second client device, and means for causing said transmission medium to be shared between said processed analog signals and other broadcast signals distributed over said transmission medium (col. 2 lines 16-44; col. 8 lines 19-23).

Thomas fails to disclose that the first analog signals have a different encoding than the second analog signals.

However, in an analogous art, Bucher discloses a home network in which multiple video signals being transmitted to client devices have different encodings (claims 27 and 32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Thomas with the teachings of Bucher for the advantage of allowing the system to provide video data to client devices requiring different display formats, and making it such that the client devices need not perform the necessary processing to view the video content.

As to claim 2 the combined system of Thomas and Bucher fails to disclose said transmission medium is an RG-59 cable.

However, examiner takes Official Notice that RG-59 cable was a well known and commonly available variety of coaxial cable at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to use RG-59

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coaxial cable in the invention of Thomas and Bucher. The rationale for this would have been to use a commonly available cable to carry television signals, and to use wired transmission and reception rather than wireless in order to improve the dependability of the system.

As to claim 3 the combined system of Thomas and Bucher disclose the server apparatus of claim 1, wherein said broadcast source includes a satellite source (Thomas Fig. 1: 28; col. 6 lines 42-47).

As to claim 4 the combined system of Thomas and Bucher fail to disclose the server apparatus of claim 1, wherein said broadcast source includes a digital terrestrial source.

However, Examiner takes official notice of the fact that digital terrestrial sources of broadcast information were well known in the art at the time the invention was made. For example, digital cable TV was widely used. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Thomas and Bucher to receive digital broadcasts for the advantage of increased image quality.

As to claim 5 the combined system of Thomas and Bucher disclose the server apparatus of claim 1, wherein said receiving means processes said received signals to generate a digital transport stream (Thomas col. 7 lines 37-43).

As to claim 8 the combined system of Thomas and Bucher disclose the server apparatus of claim 1, wherein said control means scans a plurality of frequency bands on said transmission medium to detect said available frequency bands (Thomas col. 2 lines 16-44; col. 8 lines 19-33).

As to claim 10 Thomas discloses a method for distributing signals from a server apparatus to a first client device and a second client device, comprising the steps of:

receiving signals from a broadcast source (col. 6 lines 37-56);

generating first analog signals responsive to said received signals (Fig. 1: 26, 39 and 7; col. 5 lines 42- 45 – digital signals are modulated onto transmission cable 3 in radio (i.e. analog) form);

generating second analog signals responsive to said received signals, wherein said available frequency band is used to provide said first analog signals to said first client device (col. 2 lines 16-44; col. 8 lines 19-23),

detecting available frequency bands on said transmission medium, wherein said available frequency bands are used to provide said first analog signals to said first client device (col. 2 lines 16-44; col. 8 lines 19-23).

providing said first analog signals to said first client device via said transmission medium connecting said server apparatus and said first client device in response to a first request signal requesting a first desired analog signal by identifying a first program (col. 6 line 63 – col. 7 line 15 – different program are transmitted to different client

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devices, where the tuning operation of gateway circuits 29 is performed on request (program selection) from the client devices);

detecting available frequency bands on said transmission medium, wherein said available frequency bands are used to provide said second analog signals to said second client device (col. 2 lines 16-44; col. 8 lines 19-23).

providing said second analog signals to said first client device via said transmission medium connecting said server apparatus and said second client device in response to a first request signal requesting a first desired analog signal by identifying a second program (col. 6 line 63 – col. 7 line 15 – different program are transmitted to different client devices, where the tuning operation of gateway circuits 29 is performed on request (program selection) from the client devices), thereby causing said transmission medium to be shared between said processed analog signals and other broadcast signals distributed over said transmission medium (col. 2 lines 16-44; col. 8 lines 19-23).

Thomas fails to disclose that the first analog signals have a different encoding than the second analog signals.

However, in an analogous art, Bucher discloses a home network in which multiple video signals being transmitted to client devices have different encodings (claims 27 and 32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Thomas with the teachings of Bucher for the advantage of allowing the system to provide video data to client devices requiring

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different display formats, and making it such that the client devices need not perform the necessary processing to view the video content.

As to claim 11 the combined system of Thomas and Bucher fails to disclose that said transmission medium is an RG-59 cable.

However, examiner takes Official Notice that RG-59 cable was a well known and commonly available variety of coaxial cable at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to use RG-59 coaxial cable in the invention of Thomas and Bucher. The rationale for this would have been to use a commonly available cable to carry television signals, and to use wired transmission and reception rather than wireless in order to improve the dependability of the system.

As to claim 12 the combined system of Thomas and Bucher disclose the method of claim 10, wherein said broadcast source includes a satellite source (Thomas Fig. 1: 28; col. 6 lines 42-47).

As to claim 13 the combined system of Thomas and Bucher fail to disclose the method of claim 10, wherein said broadcast source includes a digital terrestrial source.

However, Examiner takes official notice of the fact that digital terrestrial sources of broadcast information were well known in the art at the time the invention was made. For example, digital cable TV was widely used. It would have been obvious to one of

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ordinary skill in the art at the time of the invention to modify the combined system of Thomas and Bucher to receive digital broadcasts for the advantage of increased image quality.

As to claim 16 the combined system of Thomas and Bucher disclose the method of claim 10, wherein said control means scans a plurality of frequency bands on said transmission medium to detect said available frequency bands (Thomas col. 2 lines 16-44; col. 8 lines 19-33).

As to claim 20 Thomas discloses a server apparatus, comprising:

- a receiving element operative to receive broadcast signals (col. 6 lines 37-56);
- first processing elements operative to generate first analog signals responsive to said received signals (Fig. 1: 26, 39 and 7; col. 5 lines 42- 45 – digital signals are modulated onto transmission cable 3 in radio (i.e. analog) form);
- second processing elements (Fig. 1: 37, 39 and 7) operative to generate second analog signals responsive to said received signals;
- a controller operative to detecting available frequency bands on said transmission medium, wherein said first analog signals are provided to a first client device via a transmission medium connecting said server apparatus and said first client device in response to a first request signal requesting a first desired processed analog signal by identifying a first program and further wherein said second analog signals are provided to a second client device via said transmission medium connecting said server

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apparatus and said second client device in response to a second request signal requesting a second desired processed analog signal by identifying a second program (col. 6 line 63 – col. 7 line 15 – different program are transmitted to different client devices, where the tuning operation of gateway circuits 29 is performed on request (program selection) from the client devices), and further wherein said available frequency bands are used to provide said first analog signals to said first client device and to provide said second analog signals to said second client device (col. 2 lines 16-44; col. 8 lines 19-23).

Thomas fails to disclose that the first analog signals have a different encoding than the second analog signals.

However, in an analogous art, Bucher discloses a home network in which multiple video signals being transmitted to client devices have different encodings (claims 27 and 32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Thomas with the teachings of Bucher for the advantage of allowing the system to provide video data to client devices requiring different display formats, and making it such that the client devices need not perform the necessary processing to view the video content.

As to claim 21 the combined system of Thomas and Bucher fails to disclose that said transmission medium is an RG-59 cable.

However, examiner takes Official Notice that RG-59 cable was a well known and commonly available variety of coaxial cable at the time of the invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to use RG-59 coaxial cable in the invention of Thomas and Bucher. The rationale for this would have been to use a commonly available cable to carry television signals, and to use wired transmission and reception rather than wireless in order to improve the dependability of the system.

As to claim 22 the combined system of Thomas and Bucher disclose the apparatus of claim 20, wherein said broadcast source includes a satellite source (Thomas Fig. 1: 28; col. 6 lines 42-47).

As to claim 23 the combined system of Thomas and Bucher fail to disclose the apparatus of claim 20, wherein said broadcast source includes a digital terrestrial source.

However, Examiner takes official notice of the fact that digital terrestrial sources of broadcast information were well known in the art at the time the invention was made. For example, digital cable TV was widely used. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Thomas and Bucher to receive digital broadcasts for the advantage of increased image quality.

As to claim 24 the combined system of Thomas and Bucher disclose the server apparatus of claim 20, wherein said receiving means processes said received signals to generate a digital transport stream (Thomas col. 7 lines 37-43).

As to claim 27 the combined system of Thomas and Bucher disclose the server apparatus of claim 20, wherein said control means scans a plurality of frequency bands on said transmission medium to detect said available frequency bands (Thomas col. 2 lines 16-44; col. 8 lines 19-33).

3. Claims 6-7, 14-15 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas and Bucher as applied to claims 5, 10 and 24 above, and further in view of McCalley et al., US Patent No 5,191,410.

As to claim 6 the combined system of Thomas and Bucher fails to disclose A/V processing means for processing digital transport stream to generate analog baseband signals; and modulating means for modulating said analog baseband signals to generate analog signals.

However, in an analogous art, McCalley et al. disclose A/V processing means for processing digital transport stream to generate analog baseband signals; and modulating means for modulating said analog baseband signals to generate analog signals (Fig. 18; col. 43 lines 36-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of McCalley et al. with that of Thomas and Bucher. The rationale for this would have been to adapt the system of Thomas and Bucher to be compatible with analog television sets, and to avoid having to convert signals within the user devices if analog signals are desired (see Thomas col. 5 lines 52-57).

As to claim 7 the combined system of Thomas and Bucher disclose the server apparatus of claim 5, wherein said second processing means includes:

encoding means for encoding said digital transport stream to generate encoded digital signals (Bucher claim 27).

The combined system of Thomas and Bucher fail to disclose digital-to-analog converting means for converting said encoded digital signals to analog baseband signals; and modulating means for modulating said analog baseband signals to generate said second analog signals.

However, in an analogous art, McCalley et al. disclose A/V processing means for processing digital transport stream to generate analog baseband signals; and modulating means for modulating said analog baseband signals to generate analog signals (Fig. 18; col. 43 lines 36-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of McCalley et al. with that of Thomas and Bucher. The rationale for this would have been to adapt the system of Thomas and Bucher to be

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compatible with analog television sets, and to avoid having to convert signals within the user devices if analog signals are desired (see Thomas col. 5 lines 52-57).

As to claim 14 the combined system of Thomas and Bucher disclose the method of claim 10, wherein said step of generating said first analog signals includes processing said received signals to generate a digital transport stream (Thomas col. 7 lines 37-43).

The combined system of Thomas and Bucher fails to disclose processing digital transport stream to generate analog baseband signals; and modulating means for modulating said analog baseband signals to generate analog signals.

However, in an analogous art, McCalley et al. disclose processing digital transport stream to generate analog baseband signals; and modulating said analog baseband signals to generate analog signals (Fig. 18; col. 43 lines 36-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of McCalley et al. with that of Thomas and Bucher. The rationale for this would have been to adapt the system of Thomas and Bucher to be compatible with analog television sets, and to avoid having to convert signals within the user devices if analog signals are desired (see Thomas col. 5 lines 52-57).

As to claim 15 the combined system of Thomas and Bucher disclose the method of claim 10, wherein said step of generating said second analog signals includes the step of:

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processing said received signals to generate a digital transport stream (Thomas col. 7 lines 37-43); and

encoding said digital transport stream to generate encoded digital signals (Bucher claim 27).

The combined system of Thomas and Bucher fail to disclose converting said encoded digital signals to analog baseband signals; and modulating said analog baseband signals to generate said second analog signals.

However, in an analogous art, McCalley et al. disclose processing digital transport stream to generate analog baseband signals; and modulating said analog baseband signals to generate analog signals (Fig. 18; col. 43 lines 36-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of McCalley et al. with that of Thomas and Bucher. The rationale for this would have been to adapt the system of Thomas and Bucher to be compatible with analog television sets, and to avoid having to convert signals within the user devices if analog signals are desired (see Thomas col. 5 lines 52-57).

As to claim 25 the combined system of Thomas and Bucher fails to disclose the server apparatus of claim 24, wherein said first processing elements include:

A/V processing means for processing digital transport stream to generate analog baseband signals; and modulating means for modulating said analog baseband signals to generate analog signals.

However, in an analogous art, McCalley et al. disclose A/V processing means for processing digital transport stream to generate analog baseband signals; and modulating means for modulating said analog baseband signals to generate analog signals (Fig. 18; col. 43 lines 36-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of McCalley et al. with that of Thomas and Bucher. The rationale for this would have been to adapt the system of Thomas and Bucher to be compatible with analog television sets, and to avoid having to convert signals within the user devices if analog signals are desired (see Thomas col. 5 lines 52-57).

As to claim 26 the combined system of Thomas and Bucher disclose the server apparatus of claim 24, wherein said second processing means includes:

encoding means for encoding said digital transport stream to generate encoded digital signals (Bucher claim 27).

The combined system of Thomas and Bucher fail to disclose digital-to-analog converting means for converting said encoded digital signals to analog baseband signals; and modulating means for modulating said analog baseband signals to generate said second analog signals.

However, in an analogous art, McCalley et al. disclose A/V processing means for processing digital transport stream to generate analog baseband signals; and modulating means for modulating said analog baseband signals to generate analog signals (Fig. 18; col. 43 lines 36-65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of McCalley et al. with that of Thomas and Bucher. The rationale for this would have been to adapt the system of Thomas and Bucher to be compatible with analog television sets, and to avoid having to convert signals within the user devices if analog signals are desired (see Thomas col. 5 lines 52-57).

4. Claims 9, 17 and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas and Bucher as applied to claims 1, 10 and 20 above, and further in view of Dufour et al., US Patent No 6,049,717.

As to claim 9 the combined system of Thomas and Bucher fail to disclose that said control means detects said available frequency bands based on a user input which selects said available frequency bands.

However, in an analogous art, Dufour et al. disclose a user input which selects available frequency bands (col. 24 line 54 – col. 25 line 16).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Thomas and Bucher with the teachings of Dufour et al. The rationale for this would have been to give an operator control over the allocation of signals over the available frequency bands.

As to claim 17 the combined system of Thomas and Bucher fail to disclose that said control means detects said available frequency bands based on a user input which selects said available frequency bands.

However, in an analogous art, Dufour et al. disclose a user input which selects available frequency bands (col. 24 line 54 – col. 25 line 16).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Thomas and Bucher with the teachings of Dufour et al. The rationale for this would have been to give an operator control over the allocation of signals over the available frequency bands.

As to claim 28 the combined system of Thomas and Bucher fail to disclose that said controller detects said available frequency bands based on a user input which selects said available frequency bands.

However, in an analogous art, Dufour et al. disclose a user input which selects available frequency bands (col. 24 line 54 – col. 25 line 16).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Thomas and Bucher with the teachings of Dufour et al. The rationale for this would have been to give an operator control over the allocation of signals over the available frequency bands.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT HANCE whose telephone number is (571)270-5319. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

ROBERT HANCE
Examiner
Art Unit 2421

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